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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,944	10/01/2004	David Breneur	259406US6PCT	7508
22850	7590	02/10/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			KOVACS, ARPAD F	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/508,944	Applicant(s) BRENEUR, DAVID	
	Examiner Árpád Fábián Kovács	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. New claim 32 is rejected under 35 U.S.C. 102(b) as being anticipated by Aron et al (5274990).

Aron discloses:

New cl. 32:

An agricultural machine (haymaking machine, fig 1) comprising:

a frame (14) connecte to a first & second carrying pivoting/articulating arms (15, 16) capable of being moved into transport/working positions by a hydraulic jack (col. 3, ln 33-35);

the arms comprise a latching mechanism (38) capable of latching the two arms (col. 4, ln 45-49, col. 6, ln 17-23).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aron et al (5274990), in view of Hastings (4615397) & Andersen (4316511) & Stevens (4867245).

It is apparent from the addition & argument/remarks made in re the broader claim 32, see relevant rejection above, that the implement carrying arm is not limited to windrowing rotors.

Hastings & Andersen & Stevens each provide implement carrying arms that are capable of carrying windrowing rotors, such as the one shown by Aron (ref 3).

Hastings & Andersen & Stevens, while they both provide implement carrying arms, however they each show different mechanism in latching arms. Hastings latches an extension arms in transport mode (fig 5), while Andersen latches the side arm to the frame.

It is noted that the previous Office Action, date 9/7/2005, Stevens shown to provide specifics to the latching means as claimed in greater detail, thus incorporated therewith. It is agreed that as now the claims being amended, Stevens no longer anticipates (35 USC 102 b) the amended claims.

Among these references, only Aron teaches two arms connected to each other, as claimed, see rejection in re claim 32 above.

Among other things, Aron's latching means is not only simpler, but as taught in col. 1, ln 30-37, this would save time for automatically locking the arms in transport mode, so that the width of the Hastings and/or Andersen and/or Stevens' tool carrying implement carrying the windrowing rotor similar to the one shown by Aron would be substantially reduced.

In re the specifics of the latching mechanism, each prior art sets forth the elements claimed, for example: a latch, a stop (Aron: fig 12-13; Hastings: fig 5, ref 146, 82; Andersen, fig 3-4, ref 12), a hydraulic jack (Aron: ref 30; Hastings: ref 67; Andersen: 6). It is noted that the previous office action citing Stevens, is shown to provide specifics to the latching means as claimed in greater detail. It is agreed that as now the claims being amended, Stevens no longer anticipates (35 USC 102 b) the

amended claims. Also noted that, the Applicant did not provide details how the dependent claims are not met by Stevens. Therefore, the latching & its related parts are still considered to be rejected over Stevens.

In summary, the teachings of Stevens is relevant to the latching mechanism and that an agricultural implement is connected to its wing arms, just as Andersen & Hastings' arms, while Aron's shows that the two wing arms can be locked together or unlocked automatically, in order to reduce width during transport, to simplify application of the latching means, i.e. by using one such latch shown by Stevens between two wings, and to make automatic the process of locking the wing arms in transport mode (as taught by Aron above).

Response to Arguments

5. Applicant's arguments with respect to claims 16-31 & new claim 32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rosenboom, Brown, Tilbury.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Árpád Fábíán Kovács
Primary Examiner
Art Unit 3671

ÁFK